

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LEONARD K. BAYLIS,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 06-11-SLR
)	
STANLEY TAYLOR, et al.,)	
)	
Defendants.)	

**DEFENDANT STANLEY TAYLOR'S
ANSWER TO THE AMENDED COMPLAINT**

COMES NOW Defendant Stanley Taylor ("State Defendant"), by and through the undersigned counsel, and hereby answers the Amended Complaint [D.I. 25]. Because the Amended Complaint is not set forth in numbered paragraphs, each paragraph is identified and responded to as follows:

1. Paragraph beginning "On 23 Nov. 05:" State Defendant is without sufficient information to admit or deny the allegations set forth in this paragraph.
2. Paragraph beginning "On 11 Jan 06:" State Defendant is without sufficient information to admit or deny the allegations set forth in this paragraph.
3. Paragraph beginning "Dr. Cannuli:" State Defendant is without sufficient information to admit or deny the allegations set forth in this paragraph.
4. Paragraph beginning "Psychologist Bruce:" State Defendant is without sufficient information to admit or deny the allegations set forth in this paragraph.

5. Paragraph beginning “I assert:” This paragraph is not directed to State Defendant and therefore no response is required. To the extent that a response is required, State Defendant denies the allegations set forth in this paragraph.

6. Paragraph beginning “I also make:” Denied. State Defendant specifically denies that he violated Plaintiff’s Eighth Amendment or any other rights and further denies that he engaged in negligent or any wrongful conduct.

7. Paragraph beginning “The amount:” Denied.

8. Paragraph beginning “I also claim:” Denied. State Defendant specifically denies that he violated Plaintiff’s Eighth Amendment or any other rights and further denies that he engaged in any wrongful conduct.

9. Paragraph beginning “Also movant:” As to the last sentence of this paragraph, State Defendant denies that he violated Plaintiff’s Eighth Amendment or any other rights and further denies that he engaged in any wrongful conduct. State Defendant is without sufficient information to admit or deny the remaining allegations set forth in this paragraph.

10. Paragraph beginning “Movant prays:” State Defendant is without sufficient information to admit or deny the allegations set forth in this paragraph.

11. Paragraph beginning “Upon proper:” As to the last sentence of this paragraph, State Defendant denies that he violated Plaintiff’s Eighth Amendment or any other rights and further denies that he engaged in any wrongful conduct. State Defendant is without sufficient information to admit or deny the remaining allegations set forth in this paragraph.

RELIEF

1. It is specifically denied that Plaintiff is entitled to compensatory, punitive or any monetary damages.
2. It is specifically denied that Plaintiff is entitled to injunctive, declaratory or any other relief.

AFFIRMATIVE DEFENSES

3. Plaintiff has failed to state a claim upon which relief can be granted.
4. Plaintiff has failed to exhaust his administrative remedies.
5. State Defendant is immune from liability under the Eleventh Amendment.
6. State Defendant is entitled to qualified immunity.
7. As to any claims under state law, State Defendant is entitled to immunity under the State Tort Claims Act, 10 *Del. C.* § 4001, *et seq.*
8. As to any claims under state law, State Defendant is entitled to sovereign immunity in his official capacity.
9. State Defendant cannot be held liable in the absence of personal involvement for the alleged constitutional deprivations.
10. To the extent that Plaintiff seeks to hold State Defendant liable based on supervisory responsibilities, the doctrine of *respondeat superior* or vicarious liability is not a basis for liability in an action under 42 *U.S.C.* § 1983.
11. State Defendant, in his official capacity, is not liable for alleged violations of Plaintiff's constitutional rights as he is not a "person" within the meaning of 42 *U.S.C.* § 1983.
12. Insufficiency of service of process.

13. Insufficiency of process.

14. Lack of jurisdiction over the person and subject matter.

WHEREFORE, Defendant Stanley Taylor respectfully requests that judgment be entered in his favor and against Plaintiff as to all claims and that attorney fees be awarded to him.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Eileen Kelly

Eileen Kelly, I.D. #2884

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Attorney for Defendant Stanley Taylor

Date: June 21, 2006

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2006, I electronically filed *Defendant Stanley Taylor's Answer to the Amended Complaint* with the Clerk of Court using CM/ECF which will send notification of such filing to the following: Kevin J. Connors, Esquire and Lorenza Anna Wolhar, Esquire. I hereby certify that on June 21, 2006, I have mailed by United States Postal Service, the document to the following non-registered party: Leonard Baylis.

/s/ Eileen Kelly
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